IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12428 of 2004

Between:

Karlapudi Venkateswara Rao S/o. Late Venkataramaiah, Indian,
R/o. Byri Reddy lane, Governorpet, Vijayawada.

..... PETITIONER

AND

1 The Chief Commissioner, Land Administration, A.P. Hyderabad.
2 The Competent Authority, Urban Land Ceiling, Vijayawada. Urban Land

Ceiling, Vijayawada.
3 The Dist . Registrar, Registration Dept., Revenue , Krishna Dist At

Vijayawada.
4 The Sub-Registrar, Kankipadu, Krishna district.

5 K.S.K.W. Prasada Rao, S/o. Venkateswara Rao,
Poranki village, Pernamaluru Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Certiorari or any other appropriate writ, calling for the connected records and pertaining to the order dated 08-06-2004 passed by the first respondent and quash the same as illegal and void.

Counsel for the Petitioner: MR.T.SUBRAMANYAM

Counsel for the Respondent No.3: GP FOR REVENUE

The Court made the following:

ORDER:

Heard both sides and at their request the writ petition itself is taken up for disposal.

The petitioner, who is the declarant under Section 6 of the Urban Land (Ceiling and Regulation) Act, 1976, filed the present writ petition questioning the jurisdiction of the first respondent-Chief Commissioner in entertaining the appeal at the instance of the fifth respondent, who is none other than the son of the petitioner.

Admittedly, there are disputes between the petitioner and the fifth respondent. The fifth respondent also filed W.P.No.16031 of 2001 complaining the inaction of the respondents in filing a charge sheet against the petitioner herein and the same was dismissed by this Court since the fifth respondent had already invoked the jurisdiction of a competent Criminal Court. The first respondent-Chief Commissioner, while entertaining the appeal filed by the fifth respondent, granted status quo and communicated the same to the petitioner and respondents 2 and 5 herein and in that process, the petitioner is prevented from alienation of the properties in dispute. The petitioner raised an objection before the first respondent-Chief Commissioner that such an appeal is not maintainable as the same was filed with delay of two years and that as the fifth respondent neither filed any petition seeking condonation of delay in filing appeal nor obtained permission for the same and also that the fifth respondent was neither a party nor a declarant in the proceedings under appeal. But, the first respondent-Chief Commissioner has not taken any action on the said objection.

Having regard to the fact that the petitioner had already moved the first respondent-Chief Commissioner by raising an objection that such appeal filed by the fifth respondent, who is not a declarant, is not maintainable, the first respondent-Chief Commissioner is under obligation to dispose of the objection raised and decide the maintainability of the said appeal.

In view of the facts and circumstances of the case, the first respondent-Chief Commissioner is directed to dispose of the objection raised by the petitioner with regard to the maintainability of the appeal filed by the fifth respondent, after hearing both the parties, within a period of four weeks from the date of receipt of a copy of this Order.

With the above direction, the writ petition is disposed of at the admission stage.

19-07-2004

ghn/tsnr

To

1 The Chief Commissioner, Land Administration, A.P. Hyderabad.

2 The Competent Authority, Urban Land Ceiling, Vijayawada. Urban Land Ceiling, Vijayawada.

3. The Dist . Registrar, Registration Dept., Revenue , Krishna Dist At Vijayawada.

4 The Sub-Registrar, Kankipadu, Krishna district.

5. Two CCs to the Government Pleader for Revenue, High Court of A.P.,Hyderaad.

6. Two CD copies.